

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-4, 6-9, 11, 15, 18, and 20-26 were pending in the application, of which Claims 1, 6, 11, 15, 18, and 22 are independent. In the Office Action dated April 23, 2003, Claims 1-4, 6-9, 11, 15, 18, and 20-26 were rejected under 35 U.S.C. §103(a). Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of Claims 1-4 and 6-9 Under 35 U.S.C. § 103(a)

In the Office Action dated April 23, 2003, the Examiner rejected Claims 1-4 and 6-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,134,667 ("*Suzuki*") in view of U.S. Patent No. 4,085,594 ("*Mayer*"). Applicant respectfully traverses this rejection because combining *Suzuki* with *Mayer* would not have led to the claimed invention.

Claim 1 is patentably distinguishable over the cited art in that it recites, for example, the controller being configured to cause a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value. Similarly, Claim 6 is patentably distinguishable over the cited art in that it recites, for example, causing a power source to be turned off when at least the temperature detected by the first temperature sensor exceeds a predetermined value.

In contrast to Claims 1 and 6, and as stated by the Examiner, *Suzuki* at least does not teach or suggest power shutoff based on the temperature. Furthermore, Applicant respectfully submits that *Mayer* does not overcome *Suzuki*'s deficiencies.

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Mayer merely discloses shutting off power when the temperature of a coolant **falls below** a certain level. (See Col. 4, lines 21-25.) Like *Suzuki*, *Mayer* at least does not teach or suggest, "the controller being configured to cause a power source to be turned off when at least the temperature... exceeds a predetermined value," as recited by Claim 1, or "causing a power source to be turned off when at least the temperature... exceeds a predetermined value," as recited by Claim 6. Accordingly, independent Claims 1 and 6 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejection of Claims 1 and 6.

Dependent Claims 2-4 and 7-9 are also allowable at least for the reasons above regarding independent Claims 1 and 6, and by virtue of their respective dependencies upon independent Claims 1 and 6. Accordingly, Applicant respectfully requests withdrawal of the rejection of dependent Claims 2-4 and 7-9.

II. Rejection of the Claims 11, 15, and 20-26 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 11, 15, and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,134,667 ("*Suzuki*") in view of U.S. Patent No. 4,085,594 ("*Mayer*"). Applicant respectfully traverses the rejection of Claims 11 and 15 because combining *Suzuki* with *Mayer* would not have led to the claimed invention. Claim 22 has been amended, and Applicant respectfully submits that this amendment overcomes the rejection of Claim 22 and adds no new matter.

Claim 11 is patentably distinguishable over the cited art in that it recites, for example, a second temperature sensor configured to detect a temperature of the power

source circuit. Also, Claim 15 is patentably distinguishable over the cited art in that it recites, for example, detecting a temperature of the power source circuit by a second temperature sensor. And amended Claim 22 is patentably distinguishable over the cited art in that it recites, for example, a second heat generating element comprising a power source circuit.

In contrast to Claims 11, 15, and 22, and as the Examiner states, *Suzuki* at least does not teach power supply temperature detection. Furthermore, and as the Examiner suggests, *Mayer* does not overcome *Suzuki*'s deficiencies. The Examiner merely states, without support, that it is well known to sense temperature of a power supply. As a result, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case of obviousness. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.) There is nothing in the prior art cited by the Examiner that discloses "a second temperature sensor configured to detect a temperature of the power source circuit", as recited by Claim 11, "detecting a temperature of the power source circuit by a second temperature sensor", as recited by Claim 15, or "a second heat generating element comprising a power source circuit", as recited by amended Claim 22. Accordingly, independent Claims 11, 15, and 22 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejections of Claims 11, 15, and 22.

If the Examiner continues to rely on this unsupported contention, Applicant respectfully requests the Examiner to provide support. See, In re Zurko, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001) (holding that the USPTO must point to some

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concrete evidence in the record to support core factual findings in a determination of patentability); Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principal evidence on which to base rejection); 37 C.F.R. § 1.104 (providing that when a rejection in an application is based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, *and the facts must be supported*, when called for by the applicant, by an affidavit from the Examiner); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position.).

Dependent Claims 20-21 and 23-26 are also allowable at least for the reasons above regarding independent Claims 11, 15, and 22, and by virtue of their respective dependencies upon independent Claims 11, 15, and 22. Accordingly, Applicant respectfully requests withdrawal of the rejection of dependent 20-21 and 23-26.

III. Rejection of the Claims 18 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,134,667 ("*Suzuki*") in view of U.S. Patent No. 4,085,594 ("*Mayer*"). Applicant respectfully traverses this rejection because combining *Suzuki* with *Mayer* would not have led to the claimed invention.

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Claim 18 is patentably distinguishable over the cited art in that it recites, for example, introducing cooling gas to the CPU and further introducing the cooling gas to the heat generating element through the CPU. In contrast, *Suzuki* at least does not teach or suggest the aforementioned recitation. For example, *Suzuki* discloses pulling air through an inlet, passing the air over other elements, and exhausting the air after it passes over the CPU (See FIG. 1.) In *Suzuki*, the cooling gas is not introduced to the CPU and further introduced to the heat generating element through the CPU, rather the cooling gas is first introduced to other elements and then to the CPU last.

Furthermore, *Mayer* does not overcome *Suzuki*'s deficiencies. As stated above, *Mayer* merely discloses shutting off power when the temperature of a coolant falls below a certain level. (See Col. 4, lines 21-25.) Like *Suzuki*, *Mayer* at least does not teach or suggest "introducing cooling gas to the CPU and further introducing the cooling gas to the heat generating element through the CPU", as recited in Claim 18. Accordingly, independent Claim 18 patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of the rejection of Claim 18.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the

preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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